

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

05-CR-6057T

v.

**DECISION  
and ORDER**

TERRANCE SYKES,

Defendant.

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Magistrate Judge Marion Payson issued a Report and Recommendation in this case on October 27, 2005. Just prior to issuing the Report and Recommendation, the defendant's attorney withdrew as counsel, and Judge Payson appointed an attorney from the Public Defender's office to represent Sykes. Shortly thereafter, the defendant moved the court for appointment of new counsel, and appeared in court with a new attorney who advised the court that he was considering representing the defendant, but needed additional time to evaluate the case. The court granted an extension of time to allow the attorney to review the case, and extended the deadline for objections to her October 27, 2005 Report and Recommendations. In the meantime, the defendant, although represented, filed two pro se objections to the Report and Recommendation.

On December 12, 2005, the attorney considering representing Sykes informed the court that he would not be appearing on behalf

of the defendant. The court granted a further extension of time in which to object to the Magistrate's Report and Recommendation, and ordered that any objections be filed on or before January 16, 2006. On January 5, the defendant advised the court that he had retained a new attorney, but did not seek an extension of time in which to respond to the Report and Recommendation.

In the interests of justice, and to allow defendant's attorney adequate time to review the proceedings thus far, I sua sponte grant defendant a 30 day extension of time in which to file objections to the October 27, 2005 Report and Recommendation. Defendant shall file his objections, if any, on or before February 15, 2006. The period from January 16, 2006 to February 15, 2006 shall be excluded from the speedy trial clock.

ALL OF THE ABOVE IS SO ORDERED.

S/ Michael A. Telesca

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Michael A. Telesca  
United States District Judge

DATED: Rochester, New York  
January 19, 2006